REMARKS

Claims 1, 4-10, 12-15, 17, 18, 20, and 24-27 are currently pending in the application. By this amendment, claims 1, 8, and 20 are amended and claim 28 is added for the Examiner's consideration. Moreover, claims 3, 16, and 19 are canceled without prejudice or disclaimer. The above amendments and new claim do not add new matter to the application and are fully supported by the original disclosure. For example, support for the amendments and new claim is provided in the claims as originally filed and at Figures 1 and 2. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Allowed Claims

Applicants appreciate the indication that claims 16 and 19 contain allowable subject matter. By this response, claims 16 and 19 are presented in independent form by amending independent claim 1 to incorporate the features of claim 19, amending independent claim 8 to incorporate the features of claim 16, and canceling claims 16 and 19. Accordingly, independent claims 1 and 8 should be allowed. Moreover, claims 4-7, 9, 10, 12-15, 17, 18, 24, and 25, which depend from claims 1 and 8, respectively, should be allowed. Furthermore, Applicants submit that all of the claims are in condition for allowance for the following reasons.

35 U.S.C. §103 Rejection

Claims 1, 8, and 25 are rejected under 35 U.S.C. §103(a) for being unpatentable over U.S. Pat. No. 6,804,926 ("Eisermann") in view of U.S. Pub. No. 2003/0037504 ("Schwitte"). Claims 3, 6, 9, and 10 are rejected under 35 U.S.C. §103(a) for being unpatentable over Eisermann in view of Schwitte as applied to claims 1 and 8, and further in view of U.S. Pub. No. 2002/0056245 ("Thiers"). Claims 4, 5, 15, and 17 are rejected under 35 U.S.C. §103(a) for being unpatentable over Eisermann in view of Schwitte as applied to claims 1 and 8, and further in view of U.S. Pub. No. 2003/0035921 ("Kornicer"). Claims 7 and 12-14 are rejected under 35 U.S.C. §103(a) for being unpatentable over Eisermann in view of Schwitte as applied to claims 1 and 8, and further in view of U.S. Pat. No. 347,425 ("Hall"). Claim 18 is rejected under 35 U.S.C. §103(a) for being unpatentable over Eisermann in view of Schwitte as applied to claim 8, and further in view of U.S. Pat. No. 6,012,255 ("Smid"). Claim 24 is rejected under 35 U.S.C. §103(a) for being unpatentable over Eisermann in view of Schwitte as applied to claim 1, and

further in view of U.S. Pat. No. 7,127,860 ("Pervan"). Claims 20 and 26 are rejected under 35 U.S.C. §103(a) for being unpatentable over Eisermann in view of Schwitte and Hall. Claim 27 is rejected under 35 U.S.C. §103(a) for being unpatentable over Eisermann in view of Schwitte and Hall as applied to claim 20, and further in view of Pervan. These rejections are respectfully traversed.

Claims 1, 3-10, 12-15, 17, 18, 24, and 25

While Applicants do not agree that any proper combination of the applied art renders the claimed invention obvious, nevertheless, in order to expedite prosecution, independent claims 1 and 8 have been amended to incorporate the features of allowable claims 19 and 16, respectively. Accordingly, independent claims 1 and 8 should be allowed. Claims 4-7, 9, 10, 12-15, 17, 18, 24, and 25 depend from independent claims 1 and 8, respectively, and should also be allowed based upon the amendments to independent claims 1 and 8. Claim 3 has been canceled, thereby rendering the rejection of claim 3 moot. While claims 1 and 8 have been amended and claim 3 has been canceled to facilitate expeditious allowance of the instant application, Applicants expressly reserve the right to refile the subject matter of the claims, and any other claims, in one or more continuing applications.

Accordingly, Applicants respectfully request the §103 rejections of claims 1, 3-10, 12-15, 17, 18, 24, and 25 be withdrawn.

Claims 20, 26, and 27

Independent claim 20 has been amended to incorporate the feature of allowable claim 19. More specifically, independent claim has been amended to recite:

> 20. A building board made of oriented strand board (OSB) comprising two mutually opposite longitudinal edges and two mutually opposite transverse edges running at right angles to the longitudinal edges, one longitudinal edge and one transverse edge in each case having a tongue and the opposite longitudinal edge and transverse edge having a groove corresponding to the tongue, via which a plurality of building boards can be connected to one another and locked in the vertical direction in relation to one another,
>
> wherein the groove on the longitudinal edge is bounded by a top lip and a bottom lip, the bottom lip projects laterally beyond the top lip and has a concave recess over the entire length, the tongue has a convex underside which corresponds to the concave recess, and the bottom lip has a plurality of spaced

apart depressions formed in the concave recess and configured to accommodate a countersunk nail head or screw head,

the tongue of the first longitudinal edge comprises a flat or planar bevel and a recess formed adjacent to the bevel, the recess being defined by a flat surface and a curved surface formed at a transition between the tongue and a vertical wall extending from the tongue, the flat or planar bevel being conterminous with the flat surface of the recess and the convex underside of the tongue,

in an assembled state, a corner of the top lip of a first said building board is located within the recess of a second said building board, and

an underside of the top lip comprises a beveled edge corresponding to the bevel.

Applicants submit that no proper combination of the applied art discloses or suggests the combination of features now recited in claim 20. Particularly, as noted by the Examiner at page 17 of the Office Action, none of the prior art alone or in obvious combination discloses a floor board having, inter alia, *an underside of the top lip comprises a beveled edge corresponding to the bevel*. Therefore, the applied art does not render claim 20 obvious. Claims 26 and 27 depend from claim 20, and are distinguishable from the applied art at least for the same reasons as claim 20.

Accordingly, Applicants respectfully request the §103 rejections of claims 20, 26, and 27 be withdrawn.

New Claim

Claims 28 is added by this amendment. Claim 28 depends from claim 20 and is distinguishable from the applied art at least for the reasons discussed above with respect to claim 20. Moreover, the applied art fails to disclose or suggest the combination of features recited in claim 28, including: the longitudinal edges and the transverse edges have a chamfer on their top side, with the result that a V-shaped joint is formed at the connecting location between two boards.

Comments on the Statement of Reasons for the Indication of Allowable Subject Matter

In response to the reasons for indication of allowable subject matter set forth in the Office Action, Applicants wish to clarify the record with respect to the basis for the patentability of claims in the present application. In this regard, Applicants do not disagree with the Examiner's

indication that certain identified features are not disclosed by the references of record. However, Applicants further wish to clarify that the claims in the present application recite a combination of features, and the basis for patentability of these claims is based upon the totality of the features recited therein.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

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